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# THE VIENNA CONVENTION OF 1969 ON THE LAW OF TREATIES AND HUMANITARIAN LAW[1]

By José Daniel

The Conference on the Law of Treaties held at Vienna in 1968 and 1969 [2], like the other important United Nations conferences on the codification of international law (Geneva Conferences on the Law of the Sea of 1958 and 1960 [3], Vienna Conference on Diplomatic Intercourse and Immunities of 1961 [4] and Vienna Conference on Consular Relations of 1963 [5]), formulated and adopted a Convention on the basis of a draft which was the collective

[1] Extract from a lecture given by the author on 12 October 1971, to the *Société genevoise de droit et de législation* on " La Conférence des Nations Unies sur le droit des traités (Vienne, 1968/1969): participation suisse ". The views expressed in this article (and in the lecture on which it is based) are exclusively the author's own and do not necessarily reflect those of the United Nations Secretariat, of which he is a member.

[2] The conference was held in two sessions, the first from 26 March to 24 May 1968 and the second from 9 April to 22 May 1969. Its proceedings have been recorded in three volumes published under the title " *United Nations Conference on the Law of Treaties. Official Records.* " The first (document A/CONF. 39/11, United Nations publication, Sales No.: E. 68.V.7) and second (document A/CONF. 39/11/Add. 1, Sales No.: E.70.V.6) contain the summary records of the plenary meetings and of the meetings of the Committee of the Whole held during the first and second sessions of the Conference respectively; the third volume (A/CONF. 39/11/Add.2, Sales No.: E.70.V.5) contains the documents of the Conference.

[3] *United Nations Conference on the Law of the Sea. Geneva, 24 February-27 April 1958. Official Records*, volumes I to VII (documents A/CONF. 13/37 to 43, United Nations publication, Sales No.: 58.V.4, Vol. I to VII). Volume II (Plenary meetings) (document A/CONF. 13/38) contains (pp. 132-143) the four 1958 Geneva Conventions on the Law of the Sea.

[4] *United Nations Conference on Diplomatic Intercourse and Immunities. Vienna, 2 March-14 April 1961. Official Records*, Vol. I (A/CONF. 20/14—United Nations publication, Sales No.: 61.X.21) and Vol. II (A/CONF. 20/14/Add.1, Sales No.: 62.X.1); the second volume contains (pp. 82-88) the Vienna Convention on Diplomatic Relations.

[5] *United Nations Conference on Consular Relations. Vienna, 4 March-22 April 1963. Official Records*, Vol. I (A/CONF. 25/16—United Nations publication, Sales No.: 63.X.2) and Vol. II (A/CONF; 25/16/Add.1, Sales No.: 64.X.1); the second volume contains (pp. 175-189) the Vienna Convention on Consular Relations.

work of the International Law Commission (ILC) of the United Nations, carried out under the guidance of a Special Rapporteur [6].

We have thus been witnessing since 1958 the interesting process of the reduction into treaty law of a substantial part of the customary international law of peace; if this period is compared with the centuries that went before, the transformation of unwritten rules into written law which has thus taken place appears remarkably fast. This codification of public international law has of course served to clarify pre-existing rules but it has at the same time made it possible to bring these rules up to date so as to meet better the new requirements of the community of States—the society which is governed by that law and which has undergone significant changes in the last few decades.

It should be noted that this remarkable work of codification carried out by the United Nations has related only to the international law of peace. As to the law of war, it is well to remember Switzerland's leading role in its codification. The four Geneva Conventions of 1949 for the protection of war victims constitute a genuine codification of the international law of war and an achievement of capital importance, initiated by the Swiss Federal Council; accordingly, the representative of Switzerland at the Vienna Conference did not fail to recall the part which his country had played in that respect.[7]

As our readers know, Switzerland is a member of most of the specialized agencies of the United Nations and is even a full member of certain organs of the United Nations itself, such as the Commission on Narcotic Drugs and the Economic Commission for Europe.[8]

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[6] For the topic of the Law of Treaties, the Special Rapporteur was Sir Humphrey Waldock, Chichele Professor of Public International Law, Oxford University, member of the ILC since 1961. In accordance with a now well-established tradition, he assisted the Vienna Conference as Expert Consultant.

[7] The " Diplomatic Conference for the Establishment of International Conventions for the Protection of War Victims ", held in Geneva from 21 April to 12 August 1949, was, of course, convened by the Swiss Federal Council, depositary and custodian of the Geneva Conventions.

[8] The parts of the lecture which followed here and which have been omitted from the present extract, dealt with the remarkable achievements of the United Nations in the codification of international law, with the procedure followed in that connection and in particular the working methods of the ILC, and with the work of the Vienna Conference on the Law of Treaties.

As to the work of the United Nations on the codification of international law, Switzerland is always invited to take part in the conferences of plenipotentiaries on the subject, which are open not only to States Members of the United Nations but also to all States which, like Switzerland, are Parties to the Statute of the International Court of Justice as well as to all those which are members of one or more specialized agencies. Switzerland has thus taken a very active part in the Conferences of 1958, 1960, 1961 and 1963 [9].

**The Vienna Convention on the Law of Treaties—its authority and significance.**

The Convention on the Law of Treaties, which was the outcome of the Vienna Conference, has been called " the treaty on Treaties " [10]. Its importance rests on the fact that it will govern the conditions of validity (substantial and formal) of treaties, that is to say of the only written source of international law. The Convention will therefore occupy the highest place in the hierarchy of norms of international law and it has been possible to say that it will represent, as it were, " the constitutional law of the international community ". This formula, which was first used by Professor Paul Reuter in the course of the ILC debates, was taken up again at Vienna by the representative of Switzerland [11], speak-

[9] See, with respect to Switzerland's concern to participate in all the stages of the process of codification of international law by the United Nations, *United Nations Conference on the Law of Treaties. Official Records, First session*, third meeting of the Committee of the Whole, paragraph 45, p. 18, and fifty-sixth meeting of the Committee of the Whole, paragraph 25, p. 323. It is interesting to note that the ILC, when it adopted on first reading, in 1971, its draft on relations between States and international organizations, stated in its report for that year: " Bearing in mind the position of Switzerland as the host State in relation to the Office of the United Nations at Geneva and to a number of Specialized Agencies, as well as the wish expressed by the Government of that country ", the Commission deemed it useful to transmit the draft not only to Governments of States members of the United Nations, but also to the Government of Switzerland. (See paragraph 28 of the Report of the ILC on the work of its twenty-third session—document A/8410, to be reproduced in Volume II of the *Yearbook of the International Law Commission* for 1971).

[10] See in *American Journal of International Law* (AJIL), Vol. 64 (1970), pp. 495-561, the article " The Treaty on Treaties ", by Richard D. Kearney and Robert E. Dalton; Ambassador R. D. Kearney has been a member of the ILC since 1967.

[11] On this occasion, Mr. Rudolf L. Bindschedler, legal adviser, Swiss Federal Political Department, and deputy leader of the Swiss delegation at the Vienna Conference.

ing on the number of ratifications that would be required for the entry into force of the future convention [12].

The Conference ultimately agreed on the figure of 35 States. Thirty-five ratifications will therefore be necessary for the Vienna Convention to come into force. The fact that we are still somewhat far from that figure [13] should not give cause for concern since ratifications were equally slow in coming for the earlier codification Conventions; they have all, however, finally obtained the number of ratifications needed for their entry into force [14].

In any case, the provisions of this Convention, like those of the previous ones, are already of great significance because of the tendency of States to apply the rules contained in a codification convention which is not yet binding as a treaty, either because it has not yet entered into force or because the State concerned has not yet ratified it. This is quite common, for example, with regard to the rules contained in the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963.

It may be confidently asserted that rules which have been codified by almost unanimous votes at a conference of plenipotentiaries are the expression of existing law and in effect reduce to writing pre-existing rules of customary law, rather on the pattern of the " Rédaction des coutumes " carried out in France in 1510 and 1580. This is by no means a mere doctrinal opinion. In

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[12] See *United Nations Conference on the Law of Treaties, Official Records*, 100th meeting of the Committee of the Whole, paragraph 26, p. 312.

[13] The Vienna Convention on the Law of Treaties of 1969 was signed by 47 States, a dozen of which have so far ratified it.

[14] By 31 December 1971, the ratifications and accessions to the Geneva Conventions on the Law of the Sea of 1948 numbered 42 for the Convention on the Territorial Sea and Contiguous Zone, 49 for the Convention on the High Seas, 33 for the Convention on Fishing and Conservation of the Living Resources of the High Seas and 49 for the Convention on the Continental Shelf. At that same date, the number was 102 for the 1961 Vienna Convention on Diplomatic Relations and 47 for the 1963 Vienna Convention on Consular Relations. As for the Convention on Special Missions, adopted by the General Assembly at its 1969 session, it has so far been signed by 14 countries. See, in this connection: United Nations, Multilateral Treaties in respect of which the Secretary-General performs Depositary Functions—List of Signatures, Ratifications, Accessions, etc., as at 31 December 1971 (document ST/LEG/SER. D/5—United Nations publication, Sales No.: E.70.V.7).

its recent ruling in the *Namibia (South West Africa)* case, the International Court of Justice held that:

" The rules laid down by the Vienna Convention on the Law of Treaties concerning termination of a treaty relationship on account of breach [15] (adopted without a dissenting vote) may in many respects be considered as a codification of existing customary law on the subject " [16].

**The Convention: broad outline**

The Vienna Convention of 1969, with its preamble, 85 articles and one annex, deals with the following subjects: (I) conclusion and entry into force of treaties and reservations to treaties; (II) observance, application and interpretation of treaties; (III) amendment and modification of treaties; (IV) invalidity, termination and suspension of treaties, and (V) miscellaneous provisions relating to treaties, such as the effect of a treaty with regard to third parties; it constitutes an outstanding international legal instrument, an analysis of which, however brief, could hardly be undertaken within the framework of a single article.

The present study will therefore deal with only a few of the provisions of the Convention, which have been chosen because they bear the mark of amendments proposed or supported by the Swiss delegation at the Conference and because they have a bearing on problems having some connection with the humanitarian conventions.

This method has the twofold advantage of making it possible to dwell at some length on a few selected provisions of the Convention and to examine their impact on humanitarian law. These provisions will be considered in the following paragraphs.

**Preamble**

The ILC draft did not not contain a preamble. As had been the case for the 1961 and 1963 Conventions, the preamble of the

[15] Contained in paragraph 3 of Article 60 of the Convention, mentioned below.

[16] See *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 47.*

1969 Convention was the work of the Conference itself, which entrusted the Drafting Committee with the task of formulating a text on the basis of the various drafts submitted by a number of delegations. The Committee combined these texts and submitted to the Conference a formula which, however, did not contain the last paragraph of the Swiss draft, worded as follows: " Affirming that the rules of customary international law will continue to govern questions not expressly regulated by the provisions of the present Convention ".

The Swiss delegation rightly attached great importance to this paragraph, which constitutes a clause having a precise legal content and not a mere declaration of intent; it therefore proposed its reintroduction by an amendment which was adopted by the Conference [17].

Introducing his amendment, the representative of Switzerland stressed that it " reflected a tradition exemplified by the Conventions on the Law of the Sea and the Conventions on Diplomatic Relations and on Consular Relations . . . " and that it was desirable " that consideration should be given to precedents and practice on the subject ".

He added: " Admittedly, the Conference had succeeded in reducing a new and substantial part of customary law to writing, but gaps remained, so that occasionally it was still necessary . . . to fall back on custom " [18].

This provision on customary law has some analogy with the clause embodied in the concluding portion of the preamble to the Hague Convention No. IV of 1907 concerning the Laws and Customs of War, which specifies clearly that " in cases not included in the Regulations " annexed to the Convention, " the inhabitants and the belligerents remain under the protection and the rule of the prin-

[17] By 77 votes to 6, with 11 abstentions. The text of the paragraph was, however, amended by the deletion of the word " expressly " which appeared in the preamble of the 1961 Convention on Diplomatic Relations and in that of the 1963 Convention on Consular Relations. Mr. M. K. Yasseen (Iraq), Chairman of the Drafting Committee, pointed out that the questions which arose were settled by the articles of the Convention on the Law of Treaties either directly (i.e., expressly) or " indirectly, in other words implicitly ". See *op. cit.* (note 12), thirty-first plenary meeting, paragraph 68, p. 174.

[18] *Ibid.*, thirty-first plenary meeting, paragraphs 20 and 21, p. 170.

ciples of the law of nations, as they result from the usages established among civilized peoples " [19].

The aim pursued both in the Hague Convention and in the Vienna Convention is to avoid leaving any gaps in the application of international law and to stress that international relations *are always governed by international law*. Where a rule of treaty law exists, that rule will apply, and it will be found in a codification convention for any question of international law dealt with in such a convention. Questions on which no written law exists, however, will be governed by customary law, where the fall-back rules of public international law must be sought.

The Swiss delegation at Vienna rendered a real service to the international community by introducing this important clause, which effectively safeguards the application of customary law, as the *droit commun*, to all questions relating to the law of treaties which are not settled by the Vienna Convention.

**Article 9, paragraph 2, of the Convention**

Paragraph 1 of Article 9 states: " The adoption of the text of a treaty takes place by the consent of all the States participating in its drawing up except as provided in paragraph 2 " [20].

This text lays down, in the form of a general rule, the principle of unanimity which itself rests on that of the sovereignty of States;

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[19] See the text of the Hague Convention of 1970 (Convention No. IV) in the *General Collection of the Laws and Customs of War, on land, on sea, under sea and in the air according to the Treaties elaborated by the International Conferences since 1856*. Brussels (1943), p. 251.

English version taken from *The Hague Conventions and Declarations of 1899 and 1907* (published by the Division of International Law of the Carnegie Endowment for International Peace), edited by James Brown Scott, New York, 1915, pp. 101-102.

The French original reads: " . . . restent sous la sauvegarde et sous l'empire des principes du Droit des gens, tels qu'ils résultent des usages établis entre nations civilisées (see *Recueil général des lois et coutumes de la guerre terrestre, maritime, sous-marine et aérienne, d'après les actes élaborés par les Conférences internationales depuis 1856*. Bruxelles (1943), p. 250). The meaning could perhaps be better rendered less literally as follows: " . . . shall continue to be protected, and to be governed, by the principles of international law, as reflected in the established custom of civilized nations . . . "

[20] For the text of the Convention, see *op. cit.* (note 2), *Documents of the Conference*, Vienna Convention on the Law of Treaties, pp. 289-301. For a full account of the various stages of the legislative history of each article, see the book by Mr. S. Rosenne (member of the ILC from 1962 to 1971), *The Law of Treaties—a guide to the legislative history of the Vienna Convention*, 1970.

that sovereignty must be respected even with regard to a decision which does not impose any significant legal obligation, for article 9 concerns merely the *adoption of the text.*

Nevertheless, even for this limited operation, unanimity is the rule, except (as provided in paragraph 2) for the adoption of the text of a treaty at an international conference, which takes place by a two-thirds majority unless " by the same majority " it is decided to apply a different rule.

This important rule enshrines the practice of United Nations codification conferences and constitutes an innovation with respect to traditional international law.

Actually, voting as such at diplomatic conferences is a comparatively recent phenomenon. Strict unanimity was the rule in all matters at such conferences as the Congress of Vienna in 1814 and the Congress of Paris in 1856. The idea of adopting texts by means of a vote at a diplomatic conference was apparently first put forward, albeit unsuccessfully, at the Conference held in 1864 at the Hôtel de Ville of Geneva, which adopted the Geneva Convention for the Amelioration of the Conditions of the Wounded in Armies in the Field [21]. It was, however, Bismarck who, presiding over the Congress of Berlin of 1878 and the Berlin Conference of 1884/85, had the merit of enforcing for the first time definite rules of procedure at " political " conferences; he even obtained that so-called " minor " or procedural questions should be settled by taking a vote [22]. It should be noted, however, that the Bern Conference of 1874, which set up the Universal Postal Union, took all its decisions by a simple majority of the delegations present.[23] And although it was a " technical " and not a " political " conference, the Bern meeting was nonetheless a diplomatic conference of representatives of States.

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[21] The experts representing certain States even proposed that each delegation should have as many votes as delegates. But the diplomats present at the 1896 Conference objected to any form of vote, on the grounds that it would be contrary to the sovereignty of States.

[22] On all these questions, see F. S. Dunn, *The practice and procedure of international conferences* (1929), pp. 91-151, especially pp. 95-97, 105, 112-115, 129-130 and 148-151; see also N. L. Hill, *The public international conference* (1969), pp. 188-189.

[23] It was easier in this case to adopt parliamentary rules of procedure because the representatives at the Bern Conference of 1874 were senior officials of their countries' postal administrations and not diplomats or statesmen as at Berlin in 1878 and 1884-1885.

With the Peace Conferences held at The Hague in 1899 and 1907 [24] and the birth of the League of Nations, the method of *parliamentary diplomacy*, as practised today at the United Nations, gradually emerged. It therefore seemed reasonable to specify, in the rules of procedure of the 1958 Geneva Conference on the Law of the Sea, that the adoption of texts by the Conference would take place by a two-thirds majority.[25]

In the discussion on article 9, the President of the Vienna Conference [26] took the unusual step of expressing his personal view in favour of adopting " a more flexible rule " than the restrictive rule originally proposed that would oblige every conference " to take two steps. First, it must decide in advance whether or not it wished the text to be adopted by a majority of two-thirds of those present and voting; otherwise the rule requiring the majority of two-thirds of all the participants would apply. Secondly, in order to change the rule, it would be necessary to obtain at least once a two-thirds majority of the participating States " [27].

The representative of Switzerland supported this view, adding that " the question was one of the greatest importance for the practice of international conferences convened either under the auspices of the United Nations or by other authorities ", such as " that which had resulted in the adoption of the four Geneva Conventions of 12 August 1949 " [28]. He therefore pleaded in favour of a " more flexible . . . formula ", and added: " It should be possible to adopt certain articles dealing with problems which

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[24] The proceedings of these Conferences record, for example, the adoption of a wish (*vœu*) " unanimously, saving two negative votes " by named States " and the abstention " of another, an ingenious device which paid lip-service to the unanimity rule just as it was about to be discarded.

The same idea is to be found even in the Final Act of the 1899 Conference: " . . . the last five wishes were voted unanimously, saving some abstentions " (see Ministère des Affaires étrangères, La Haye, 1899, *Conférence internationale de la Paix, La Haye, 18 mai-29 juillet 1899* (Acte final), Vol. I, p. 222).

[25] *Op. cit.* (note 3), Vol. II (A/CONF. 13/38), rules of procedure, pp. xxxi-xxxvi (see rule 35). A similar rule was included in the rules of procedure of the other United Nations conferences.

[26] Professor Roberto Ago, of Rome University, member of the International Law Commission since 1957 (President of the ILC in 1965), re-elected in 1971 by the General Assembly for a fourth five-year term (1972-1976).

[27] *Op. cit.* (note 12), eighth plenary meeting, para. 76, p. 18.

[28] *Ibid.*, paragraph 77, p. 18.

were less important from the point of view of State sovereignty by a simple majority . . . such a procedure often helped to contribute to the development of international law ".

He went on to say: " That had been the practice followed, for example in the case of the 1949 Geneva Conventions . . . for the Protection of War Victims. If those Conventions had had to be adopted by a two-thirds majority, a large number of their provisions, which had subsequently been adopted by the whole international community, would undoubtedly have had to be deleted " [29].

In the same context, the Conference adopted a separate amendment (proposed by Mexico and the United Kingdom) which endorsed the United Nations practice whereby the adoption of a text takes place by a majority of two-thirds of those present and voting, not counting those absent or abstaining. Despite the authority of this rule in United Nations usage and its practical utility, it must be admitted that it has the disadvantage of allowing sometimes decisions to be taken in effect by a minority of the participants in a conference [30].

The Conference thus finally adopted the two-thirds majority rule, but made it considerably more flexible by substituting for the unduly rigid notion of two-thirds of the " participating States " that of two-thirds " of the States present and voting " [31].

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[29] *Ibid.*, ninth plenary meeting, paragraphs 27 and 28, p. 21.

[30] This occurred, in particular, at the 1963 Vienna Conference on Consular Relations, where in the Commission proceedings (in which decisions are taken by a simple majority) changes were introduced into the ILC text although they had the support of only a small minority of the 92 States represented at the Conference. Thus, an amendment to article 49 (article 50 in the final text of the Convention), on customs exemptions granted to consuls, was adopted by 25 votes to 19, with 21 abstentions, and an amendment to the article relating to the exemption from personal services and contributions was adopted by 26 votes to 11, with 25 abstentions. See *Official Records* of the Conference (*op. cit.*, note 5 above), Vol. II, Report of Commission II, paragraphs 179 and 186, at p. 137.

[31] The Sections concerning article 12 (Consent to be bound by a treaty expressed by signature), article 18 (Obligation not to defeat the object and purpose of a treaty prior to its entry into force) and article 20 (Acceptance of and objection to reservations) which followed in the original lecture (see note 8), and those dealing with article 1 (Scope of the present Convention) and article 66 (Procedures for judicial settlement, arbitration and conciliation) have not been included in this article because they are of minor interest to readers of the *International Review of the Red Cross.*

**Article 53 (Treaties conflicting with a peremptory norm of general international law *(jus cogens)*)**

The Swiss delegation was among those which had reservations regarding both this provision and *article 64* (Emergence of a new peremptory norm of general international law (*jus cogens*)). This attitude was not motivated by any opposition to the fundamental idea embodied in the two articles, which declare null every treaty " conflicting with a peremptory norm of general international law "; the explanation was rather the uncertainty as to which rules of international law constituted norms of *jus cogens*; the concept of such norms " unaccompanied by the necessary safeguards for States " could not therefore be accepted " in advance " [32].

At the first session of the Conference in 1968, the Swiss representative had already expressed some doubts on this point: " The expression ' international public order', the use of which had been advocated by the Lebanese representative, seemed preferable. It was close to the terms used by Lord McNair [33] . . . Despite the diversity of doctrines, the conclusions reached on the essential points were very similar or even identical. The examples of the best settled rules of *jus cogens* given by the International Law Commission . . . were striking. The rules set out in the Geneva Conventions . . . might be added to them . . . Obviously no arbitration body, or tribunal, could give its protection to a particular agreement that was immoral or in conflict with those principles, whether *jus cogens* was referred to or not . . . ".[34]

Although the Conference did not make any substantial changes in these two articles, it took this point of view very much into account when it introduced into the final text of article 66 the important new sub-paragraph (a) which provides for the compulsory jurisdiction of the International Court of Justice in any " dispute concerning the application or the interpretation of articles 53 or 64 ", thereby affording safeguards to those who had expressed misgivings on those two articles.

[32] *Op. cit.* (note 12), twentieth plenary meeting, paragraphs 30 and 31, p. 103.

[33] Lord McNair (then Sir Arnold McNair), author of one of the most important works on the subject (*The Law of Treaties*, Oxford, Clarendon Press, 1961).

[34] *Op. cit.* (note 9), fifty-sixth meeting of the Committee of the Whole, paragraph 26, pp. 323-324.

**Article 60 (Termination or suspension of the operation of a treaty as a consequence of its breach)**

Paragraph 2(b) of article 60 states that a " material breach of a multilateral treaty by one of the parties " entitles another party to invoke that breach " as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State ".

The Swiss delegation proposed an amendment (which was adopted by the Conference by 87 votes to none, with 9 abstentions), to insert in the article a new paragraph 5 reading as follows:

" Paragraphs 1 to 3 do not apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties ".

At the first session of the Conference in 1968, the Swiss delegation had already put forward the idea of introducing a provision to that effect.[35] No objections were then formulated, but one delegation stated that " it seemed very difficult to find a satisfactory definition of the type of treaty concerned " [36]. It is therefore interesting to note the Swiss representative's statement at the second session in 1969, when he pointed out that the humanitarian treaties included:

(1) The Geneva Conventions of 1949, which, in his delegation's view, formed part of the general law of nations, and which prohibited reprisals against the " persons protected " by those Conventions (wounded and sick, prisoners, civilian internees).[37]

(2) *Ad hoc* bilateral agreements expressing the will of States not yet parties to the Geneva Conventions " to observe

[35] Ibid., sixty-first meeting of the Committee of the Whole, paragraph 12, page 354.

[36] *Ibid.*, paragraph 83.

[37] *Op. cit.* (note 12), twenty-first plenary meeting, paragraph 21, p. 112. The concept that the rules contained in the principal humanitarian Conventions on the laws of war (Hague Convention No. IV of 1907 and annexed Regulations, Geneva Conventions, etc.) form part of the general international law and are even of a peremptory character was already widely recognized at the time of the Second World War (see J. Daniel, *Le problème du châtiment des crimes de guerre d'après les enseignements de la deuxième guerre mondiale*, thèse, Paris, 1946, pp. 75-76, p. 111, etc.).

some of their basic principles, including the prohibition of reprisals against the persons protected ".

(3) " Conventions concerning the status of refugees, the prevention of slavery, the prohibition of genocide and the protection of human rights in general. " [38]

The provision that was thus adopted following the Swiss proposal is one of major importance, since it will ensure that the provisions of the humanitarian conventions are applied unconditionally to the innocent persons protected by those conventions, and will limit the harmful effects for those persons of the provisions of article 60, which allow the suspension of the operation of a treaty as a sanction for the breach of that same treaty.

The Swiss representative called it " a saving clause to protect human beings " [39]. This is in fact a case where the ultimate beneficiaries of certain rights are actually individuals and not States. As between States, the rules in paragraphs 1 to 3 of article 60 are perfectly normal; it is quite proper that one of the States parties to a treaty should be allowed to consider itself no longer bound by its treaty obligations *vis-à-vis* another party which does not fulfil those same obligations. The obligations set forth in treaties of a humanitarian character, however, have been laid down for the benefit of *protected persons*, i.e., of individuals who must not be allowed to suffer the consequences of a breach committed by the State to which they belong.

By securing the adoption of this important provision, Switzerland has once again acted as the faithful custodian of the humanitarian Geneva Conventions of 1949. This has been, perhaps, its most significant contribution to the United Nations work on the codification of the law of treaties. In the stately Festsaal of Vienna's former Imperial Palace, made available to the United Nations for the Conference, Mr. Paul Ruegger, head of the Swiss delegation, himself a former president and at present a member of the ICRC, had on this occasion the privilege of speaking for humanity.

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[38] *Op. cit.* (note 12), twenty-first plenary meeting, paragraph 21, p. 112.

[39] *Ibid.*, paragraph 22, p. 112.

All the delegations went of course to the Conference to defend the legitimate interests of their own countries. For its part, the Swiss delegation, concerned to ensure the observance of the main principles of the law of nations while not losing sight of contemporary realities, strove to improve more particularly the rules of the law of treaties in which it had a major interest, namely those relating to the judicial settlement or arbitration of international disputes and, above all, those rules which can affect the protection of the human person.

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# CONFERENCE OF GOVERNMENT EXPERTS

## SECOND SESSION

*The second session of the* Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, *convened by the ICRC, began in Geneva last May and terminated on 2 June. We give below a brief analysis of the results of the four commissions assigned, as mentioned in our previous issue, to the study of the content of the two draft additional Protocols to the 1949 Geneva Conventions. In a subsequent issue we shall refer to the final report on the work of the Conference, which the ICRC is now preparing and will shortly publish.*

### Commission I

Commission I was concerned with the protection of the wounded and sick in international armed conflicts. At the close of its work, it produced a complete text comprising provisions relating to the three main items: *protection of civilian medical personnel, units and institutions,* to be provided with the same immunity as granted to military medical personnel and units under the Geneva Conventions; *medical air transport,* and, lastly, *the position of National Red Cross Societies* and other relief bodies.

The principle of extending protection to civilian medical personnel and all kinds of civilian medical institutions—whether permanent or temporary, public or private—was accepted and considered as one of the principal additions to the Geneva Conventions.

The experts approved the proposal that medical institutions enjoying protection should be duly recognized by the competent authorities of the State within whose territory they operated, in

order to avoid any abuse. The question of marking medical institutions in time of peace and in time of war, concerning which tests had been carried out, was also discussed.

The Commission also considered the question of protection for the individual. The experts felt that any act endangering health (physical mutilation, medical and scientific experiments, including the grafting or removal of organs not justified by medical treatment) should be prohibited.

Protection for the medical mission was a matter which was considered by the experts, who largely accepted the principle of immunity, i.e. that a person should not be punished for having carried out medical activities, whoever benefited by it, or compelled to commit acts contrary to the ethics of duty.

The question of medical air transport was carefully studied. Here again, the Commission and the experts in air navigation and signalling succeeded in drawing up complete regulations which should allow the resumption of operations by medical aviation immune from attack.

In this context, one of the biggest problems was aircraft marking, and the experts recommended that, in addition to the red cross emblem, advanced methods be used, such as flashing blue lights, radiocommunication on special frequencies, and a secondary radar transponder.

The conditions relating to the use of medical aviation were also discussed. The experts favoured provisions designed to facilitate the mission of the aircraft, whether over its own territory or over combat zones.

Lastly, the Commission considered the position of National Red Cross Societies and other bodies performing humanitarian and impartial activities, for which provisions were drawn up to ensure special facilities.

**Commission II**

Commission II dealt with non-international armed conflicts. Such conflicts have hitherto been covered by Article 3 common to the four Geneva Conventions of 1949, the value of which is recognized but which nevertheless does not provide enough protection for

the victims. The ICRC therefore submitted to the experts for their consideration an additional Draft Protocol developing Article 3, and consisting essentially of provisions based on those of the Geneva Conventions. The necessity for the development of Article 3 was largely accepted. Some experts declared that the victims of armed international and internal conflicts should enjoy the same protection, but the majority opposed that view, feeling that the specific nature of non-international conflict should be borne in mind and appropriate rules established in a separate Protocol.

The definition of armed conflict not of an international character was one of the questions discussed. Differing views were voiced: while some experts favoured an extremely broad and flexible definition, based on purely objective criteria, others preferred a more precise provision embodying criteria such as the intensity and duration of the conflict.

All the experts were agreed on the need to give captured combatants humane treatment throughout their captivity. This was an important step forward, because Article 3 made no provision in this respect. Some experts thought that captives might be granted, if not the same treatment as laid down in the Third Convention for prisoners of war, at least similar treatment; other experts, and they were more numerous, said that they favoured basic humane treatment not solely reserved for combatants, but extended to civilians deprived of freedom for acts committed in connection with the conflict.

With regard to penal prosecution against combatants, it should be recalled that Article 3 does not grant combatants immunity. Some experts proposed the abolition of the death penalty for combatants who had fought fairly, that is, respected the essential provisions of the law of armed conflict. Others considered that execution of the death penalty should be suspended until the end of hostilities and that the victor should be urged to grant a general amnesty.

Relief was a question of special importance. In the course of a great many armed conflicts not of an international character, hunger had sometimes been cruelly felt, and the wounded and the sick had not always received the care they needed. The ICRC

was therefore expressing the concern of the international community as a whole in formulating provisions designed to facilitate humanitarian assistance and to strengthen the action of National Red Cross Societies and other relief organizations. On the whole, the ICRC proposals were welcomed. Some experts, however, were apprehensive lest humanitarian assistance should throw the door open to any interference in the internal affairs of a State.

**Commission III**

Commission III dealt with three subjects:

1. protection of the civilian population against dangers of hostilities;
2. combatants;
3. protection of journalists engaged in dangerous missions.

*The protection of the civilian population* against dangers of hostilities (the Geneva Conventions, as they stand, protect civilians only against arbitrary action by the enemy authorities in whose power they happen to be, for instance, in the case of occupation) is closely linked with the use of weapons. Many experts considered that there should be an express prohibition. The proposals put forward revealed various tendencies ranging from a specific prohibition of ABC weapons to a prohibition of new conventional weapons (liable to cause needless suffering or which were particularly cruel). It was held that a meeting of experts (scientists, army experts, doctors and jurists) should be convened within the next few months, to study technical data relating to those categories of weapons.

The definitions of civilian population and of objects of a civilian character gave rise to prolonged discussion. To ensure, too, that the protection of the civilian population was made more effective, many experts urged the need for a broader concept of objects indispensable to survival (foodstuffs, clothing, dwellings, etc.), on the one hand, and for absolute immunity to be granted to those objects, on the other. That idea held good also for works and installations containing dangerous forces (dams, dikes, sources of energy, etc.). The experts reaffirmed that attacks against the

civilian population were prohibited, but with regard to civilians indirectly exposed to danger (if they are in the vicinity of military objectives, for example barracks, arms factories, etc.), different viewpoints were expressed about the measures of precaution recommended by the ICRC. Lastly, most of the experts supported the idea of further developing the concept of " open cities ". The situation of children in time of armed conflict was discussed: it was generally considered that children should not be used to commit hostile acts; however, even if they did so, they should not be held responsible for such acts. The idea of facilitating humanitarian assistance to the civilian population, in particular by means of provisions regarding relief, was favourably received.

The experts also dealt with the question of civil defence organizations. In the first place, they would need to be defined, and here the experts favoured a functional definition. It was considered that those bodies should be able to fulfil their duties, not only in occupied territory, but in areas of military operations as well. It was hoped to find, for those bodies, an internationally recognized emblem which might be used in both international and non-international armed conflicts.

The second subject concerned *combatants* and was related to the reaffirmation and development of certain rules limiting the methods and means of warfare and safeguarding the condition of combatants placed *hors de combat.* The Commission endeavoured to define the rules relating to perfidy and conditions of capture (including the treatment of fliers in distress). As regards the treatment of captured guerrilleros, the Commission largely agreed with the ICRC's proposals that the conditions as laid down in international law underlying recognition of prisoner-of-war treatment should be made more flexible.

Finally, Commission III discussed the third subject, *the protection of journalists engaged in dangerous missions,* a question on which the United Nations wished to know further the views of the government experts. While some experts felt that a multiplicity of categories enjoying protection would only weaken the general protection due to the civilian population—and from which journalists as well benefited—most of the experts considered that,

if the majority of States favoured special protection, suitable rules should be drafted and the United Nations supported in its efforts.

**Commission IV**

Commission IV considered *measures intended to reinforce the implementation* of the existing law. It emerged from the deliberation of the first session of the Conference that the experts proposed to give priority to a study of the measures designed to ensure better application of the Conventions. Some of them had declared that a study of the application of those instruments already in force was of paramount importance as regards future rules, since the utility of any international agreement was contingent on its application.

The experts on the whole considered that the appropriate measures for ensuring the application of the law had to be supplemented (co-operation of all the High Contracting Parties, supervision, dissemination of rules, penal sanctions.)

In the first place, the Commission considered questions related to international assistance in application and supervision of application. It was of the opinion that it was necessary to reinforce the international machinery designed to ensure and facilitate impartial supervision of the implementation of the Geneva Conventions. It considered it advisable, in particular, to specify the system for the appointment of Protecting Powers (States not involved in the conflict, who were responsible for representing the interests of a belligerent in the territory of the adversary and for supervising the application of the Conventions) and their substitutes (organs to replace Protecting Powers should the latter not be appointed or accepted). A number of experts thought it would be advisable to fix a time-limit within which a Protecting Power or substitute would be appointed or accepted. As regards the substitute for the Protecting Power, some experts favoured the automatic appointment of the ICRC, while others thought it would be preferable to appoint a substitute—whether the ICRC or any other organ—with the agreement of the Parties concerned. A third view was to set up a permanent body, in the United Nations for instance, to act as substitute.

The Commission also dealt with the provisions on penal sanctions in the Conventions and in the Additional Protocol which was being prepared. A number of proposals intended to supplement those articles of the Conventions relating to breaches were put forward and accepted. The inclusion of a provision allowing a subordinate to refuse to obey an order that would entail committing a breach of the Conventions was, in particular, examined; a draft article relating to breaches by omission was also considered.

The experts reaffirmed the need for the more effective dissemination of the Geneva Conventions and the Additional Protocols. They hoped for greater efficacity in this sphere among the armed forces and the civilian population. Some experts laid stress on the need for training legal advisers who would be attached to the military command.

The Commission also studied the application of humanitarian law in armed struggles for self-determination. By a large majority, the experts turned down the draft Declaration on the subject. Some considered those struggles as international conflicts, and hence covered by the Geneva Conventions as a whole, while others, on the contrary, regarded them as non-international armed conflicts pertaining to Article 3 and the Protocol additional to that article.

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*During the closing session, Mr. Marcel A. Naville, ICRC President, referred to the future work for the reaffirmation and development of international humanitarian law applicable in armed conflicts. We quote his address below.*

As the end of the Conference which has brought you together in Geneva for just over four weeks draws near, I would like to take this opportunity of thanking all of you for the contribution you have made to the task of reaffirming and developing International Humanitarian Law as it applies to armed conflict. It is most gratifying that so many governments accepted the invitation of the ICRC. Among the States represented at this second session, many have attained their independence and sov-

ereignty since the four Geneva Conventions were adopted in 1949. The presence here of so many of the States which have joined the Family of Nations since 1949 is a clear manifestation of the desire to reaffirm and develop this International Humanitarian Law.

To what extent has the work of the last few weeks contributed to the development of this Law? The reports of the four Commissions presented to the Plenary Session clearly show that considerable progress has been made; it is now the intention of the ICRC to examine the scope of these reports and to draw the relevant conclusions This task will require time and thought, but already the ICRC is able to map out the broad lines to be followed in the future.

In fact, the results of this second session are ample enough to make it possible for the ICRC to recommend here and now that a Diplomatic Conference be held in the near future. The following steps will be taken by the ICRC in preparation for that Conference.

First of all, the ICRC will draw up a full report on the work of this second session. The most important part of this document will consist of the texts presented to you and the reports of the four Commissions. These documents will be forwarded to all States Parties to the Geneva Conventions and, as last year, they will be placed before the twenty-seventh session of the General Assembly of the United Nations when it examines the question of " Respect for Human Rights in Armed Conflicts ". This will bring us to the autumn of this year. We hope that, as in the past, the General Assembly will take as full account as possible of the results of our work at this Conference and of our future plans.

Secondly, the ICRC will draw up the texts of new Additional Protocols in the light of all the views expressed at the present session of the Conference of Government Experts.

The drafting of some of these texts, for example those concerning subjects discussed by Commission I, is almost completed.

For some of the other subjects, however, the ICRC will have to make a selection, and it will be necessary to draw up new texts.

The questions studied in Commissions II, III and IV fall into this category. In this connection, the ICRC plans, where necessary, to undertake further consultations either by calling together a small number of experts in Geneva or by consulting certain experts individually. Naturally, it will keep in close touch with the United Nations on those matters of which the United Nations has been asked to make special study.

In any event, the ICRC intends to present the new Draft Protocols to the Swiss Government as the Depositary State of the Geneva Conventions some time next spring, for communication to the governments of the States Parties to the Conventions. In this way these governments will be able to examine them before the Diplomatic Conference meets. The Draft Protocols will also be presented to the twenty-second International Conference of the Red Cross to be held in the autumn of 1973.

This is the programme which the ICRC, bearing in mind the work to be done and the timing of the international meetings, intends to follow in the near future.

I would like to assure you that, whatever the progress made at the stage culminating in a Diplomatic Conference, the ICRC will continue to work for the development of International Humanitarian Law wherever this is still necessary. A task such as this never really ends, and the ICRC will never relax its efforts to ensure effective protection for all victims of all the forms of conflict which afflict mankind.

I would like here to refer to one point which was discussed in Commission IV and which has already been commented on by ICRC representatives. This is the question of the appointment of Protecting Powers and their substitute. I feel that it is necessary to come back to this subject to confirm that the ICRC intends to make use of the power conferred on it to assume the role of substitute for the Protecting Power whenever it considers this necessary and possible. The ICRC should not, however, automatically be required to assume this responsibility. The ICRC will offer its services only when all other possibilities have been exhausted and all the Parties concerned have given their consent. It is clear that, if it is to carry out this task, the ICRC will need

to be supplied with all the necessary funds and staff. Finally, the ICRC would like to make it clear that, if it were to accept the role of substitute, it would not in any way be with the intention of weakening the arrangements provided for in the Conventions relating to Protecting Powers.

Before I close, it is my pleasant duty to express the gratitude of the ICRC to all those governments which, conscious of the expense involved in organizing and holding a Conference such as the present one, have either contributed or promised to contribute to meeting the cost. A note concerning the financial implications of the work of the Conference has been sent out to all the governments of the States Parties to the Geneva Conventions, and its text has or will be communicated to you before the end of the Conference.

In conclusion, I would like to tell you how much your presence here and your participation in the work of the Conference has encouraged the International Committee of the Red Cross in its work, and I avail myself of this opportunity to express my conviction that the task we are so firmly resolved to accomplish will be brought to a successful conclusion.

*Even though there are problems still outstanding, the experts' second session enabled some viewpoints to be drawn nearer together, and was responsible for a certain* rapprochement *and even a measure of agreement on a number of by no means unimportant points. Switzerland's intention to convene a Diplomatic Conference early in 1974 having been announced by its representative, it may be hoped, without being unduly optimistic, that the community of States will then agree to strengthen, by means of international legal instruments, the safeguards offered to the human person in time of armed conflict.*

# *EXTERNAL ACTIVITIES*

## Asian sub-continent

*Prisoners of War*

The ICRC is continuing its activities for the benefit of prisoners of war on both sides.

**Pakistan:** further visits were made at the end of May and beginning of June to prisoner-of-war camps at Lyallpur and Rawalpindi, and to the Lahore and Rawalpindi hospitals. The ICRC delegates delivered to the Indian prisoners of war parcels prepared for them by the Indian Red Cross.

**India:** the ICRC delegates have finished the first round of visits to some 91,000 prisoners of war and interned Pakistani civilians[1] in 66 places of detention, namely thirteen hospitals at Mildery, Bareilly, Ranchi (4 hospitals), Allahabad, Ramgarh, Dhanna, Sagar, Gaya, Meerut and Gwalior, fifty-one prison camps at Ambala, Bareilly (4 camps) Faizabad, Allahabad (5 camps), Ranchi (9 camps), Ramgarh (6 camps), Dhanna (7 camps), Gaya (2 camps), Meerut (4 camps), Roorkee (2 camps), Jabalpur, Agra (5 camps), Gwalior (3 camps) and Fatehgar, and two camps for Pakistani sailors at Allahabad and Visapur.

The second round started at the end of May with visits to camps at Ambara, Dhanna, Faizabad and Gaya.

[1] *Plate.*

A report was drawn up on every visit in India and Pakistan and forwarded simultaneously to the detaining Power and the prisoners' own Government.

In addition, the ICRC approached the Governments of Pakistan, India and Bangladesh with a view to the general repatriation of prisoners of war and of certain civilians in distress.

*Civilian population*

**Pakistan:** With the agreement of the Pakistani Government, the ICRC visited the Bengali communities in Pakistan.

**Bangladesh:** Having been lent land by the Bangladesh Government, the ICRC, at the end of May, launched an operation to provide shelter to some hundred thousand non-Bengali during the monsoon period. For that purpose, bamboo huts have been erected on the land, which is just outside Dacca.

## Khmer Republic

On 31 May, the ICRC delegate went to Svay Rieng, where he conferred with the local Red Cross Committee on the problem of persons displaced by the fighting in that province. He also visited the civilian hospital and enquired into its need for medical supplies.

## Laos

*Prisoners of war*—On 25 May and 1 June, an ICRC delegate and doctor-delegate visited 130 prisoners of war in the Samkhé prison at Vientiane. They distributed toilet requisites.

*Displaced persons*—In co-operation with the Lao Red Cross and Social Welfare Service, the ICRC delegate distributed 60 tons of rice in May to displaced persons in the Vientiane Plain. A total of 600 families, about 3,000 persons, who had fled the fighting zones were thus assisted.

ICRC delegates distribute relief parcels donated by the Pakistan Red Cross to Pakistani prisoners of war...

Photo Arto Studio, Gaya

INDIA

... and to sick prisoners of war in a camp infirmary.

Photo G. S. Sahu, Faizabad

**Amman:** The ICRC delegate handing a representative of the Jordanian armed forces *(left)* a copy of the Arabic version of the " Soldier's Manual " published by the ICRC.

**Kuala Lumpur:** The ICRC delegate handing over to the Malaysian Minister of Education *(centre)* copies of the " Red Cross and My Country " *(left, the President of the National Red Cross).*

Wong Photo Service, Kuala Lumpur

## Philippines

While in the Philippines, to attend a Red Cross seminar in Manila, the ICRC delegate went to Camp Crame, where he had private interviews with a score of political detainees, His report has been forwarded by the ICRC to the detaining authorities.

## Republic of Vietnam

*Prisoners of war and detainees.*—In view of the renewed outburst of hostilities, the ICRC delegates in the Republic of Vietnam visited only two places of detention in May. They were the military hospitals at Ban-Mê-Thuôt and Qui-Nhon.

The ICRC having conveyed its concern for the safety of prisoners of war, the Government informed it of the measures it had taken to shield them from danger. From 7 to 24 May, some 3,600 POWs had been removed to safe areas. Inmates of provincial correctional institutions exposed to danger had been transferred to national centres. The Government requested the ICRC to postpone visiting these prisoners until they had time to settle in their new places of detention.

*Assistance to orphans.*—The ICRC doctor-delegates are continuing their regular examinations of children in orphanages. In the Phu-My orphanage at Saigon, they have vaccinated some 200 children.

*Assistance to displaced persons.*—On several occasions the ICRC delegate in Saigon has informed the Red Cross of the Republic of Vietnam of his desire to co-operate in relief to persons displaced by the fighting. As a result, an ICRC team of one delegate and two doctor-delegates went to Hué. Medical assistance was also given to displaced persons in the Saigon region (Bin-Duong, Tran-Bang, Long Thanh, Phuoc-Ty).

From 29 May to 3 June the team, with members of the National Society, was in Da Nang, where there were some 500,000 displaced persons. About half of them were in camps and the rest had found shelter with relatives or friends. The ICRC delegates visited eight

camps, including the " Books " camp, with its 52,000 inmates. They gave 650 consultations in six camps run by the local Red Cross.

In addition, the ICRC donated 50,000 Swiss francs for the benefit of displaced persons.

## Near East

**Syria:** the ICRC delegates called on three Israeli prisoners of war on 22 May.

**Arab Republic of Egypt:** they went on 23 May, 6 and 16 June to the Abassieh military prison to visit ten Israeli prisoners of war.

**Israel:** on 31 May, they visited all 61 Egyptian and 40 Syrian prisoners of war in the Sarafand military camp prison.

*Family reuniting*

At Ahmedia, on 31 May, a family reuniting operation under ICRC auspices enabled five people to return to their homes on the occupied Golan Heights.

*Repatriation of mortal remains*

On 16 June, the ICRC delegates went to Ahmedia to arrange transport to Syria of four combatants killed the previous day on the Golan Heights.

*Student travel*

The ICRC delegates organized travel on 15 June, from Gaza to Syria, for 175 students who had been accepted at Damascus University.

### Jordan

The head of the ICRC delegation and the President of the Jordan Red Crescent, Dr. Ahmed Abu Goura, visited for the

first time the Jafr prison where several hundred persons are detained.

On 7 May, in pursuance of the ICRC's programme for the propagation of knowledge of the Geneva Conventions, the ICRC delegation in Jordan officially delivered to the Jordanian army, which had ordered them, 25,000 copies of the " Soldier's Manual " and 4,500 copies of " The Geneva Conventions—Summary for Members of Armed Forces and the General Public ", in Arabic.[1]

## Burundi

The troubles which broke out in Burundi at the end of April prompted the International Committee to send out two delegates and a doctor-delegate who joined a liaison officer of the League of Red Cross Societies. They immediately contacted the authorities and the National Red Cross Society whose president meanwhile came to Geneva. On the basis of information assembled, the League, on 26 May and at the request of the ICRC and the Burundi Red Cross, launched an appeal to several National Societies for funds and relief supplies.

At the beginning of June, a second League expert was sent out from Geneva and the ICRC doctor-delegate took part in a fact-finding mission in the main townships in Bururi province in order to assess the needs of the population.

The recommendations put forward by the ICRC and League delegates for the despatch of medical and nursing personnel to the stricken areas were not, however, approved by the Burundi Government.

The President of the ICRC requested the President of the Burundi Republic to give his support to the delegates from Geneva to enable them to carry out their mission of assistance and protection.

The National Society and the League and ICRC representatives at the end of June continued their efforts to distribute the relief supplies provided in response to the League's appeal of 26 May and also the medicaments despatched by the ICRC for the benefit

[1] *Plate.*

of the victims of the disturbances at Bujumbura and in the south of the country.

Ten National Societies announced donations of blood plasma, medicaments, dressings, food, clothing and blankets. In order to organize, in co-operation with the Burundi Red Cross, the distribution of the relief supplies, the ICRC Head of Relief Service went on 21 June to Bujumbura.

## Zaire

In May, the ICRC Regional Delegate for West Africa visited in Kinshasa the nine Portuguese military prisoners captured by the forces of the independence movement, the Revolutionary Government of Angola in Exile.

## Paraguay

The ICRC Regional Delegate for South America was in Paraguay where he contacted the National Society, conferred with the Minister of the Interior, and was received in audience by the President of the Republic, General Alfredo Stroessner, who authorized him to visit various places of detention, including the Penitenciaria General and several commissariats in Asuncion.

In May, the ICRC sent a consignment of medicines to Asuncion for the benefit of detainees visited by its delegate.

## Uruguay

The delegate met the Ministers of Foreign Affairs and of the Interior, as well as National Society officials. He obtained authorization to visit places of detention and visited four prisons in and near Montevideo at the beginning of June.

Reports on these visits are sent to the detaining authorities by the ICRC.

## Venezuela

In May, the ICRC Regional Delegate for Central America and the Caribbean visited two places of detention in Caracas and provided a number of detainees with relief supplies.

## Northern Ireland

During the last visit of its delegates to Northern Ireland in December, it was agreed that the International Committee of the Red Cross would arrange to make a further visit, and this took place with the full concurrence of the Secretary of State for Northern Ireland. Two delegates, on 24-25 May 1972, visited the Long Kesh internment centre, which is now the only establishment in Northern Ireland for internees and detainees. They freely carried out their task and conversed privately with internees and detainees of their own choosing. As is the normal practice, the ICRC report on this visit was sent direct to the Secretary of State.

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*IN GENEVA*

## Presidential Council

The International Committee has decided to complete the Presidential Council by appointing Mr. Roger Gallopin and Mr. Pierre Micheli to membership.

## Participation in Geneva Conventions

In a letter dated 24 April 1972, which reached the Swiss Government on 10 May 1972, the Minister for Foreign Affairs of the United Arab Emirates informed the Swiss Federal Council of that State's accession to the four 1949 Geneva Conventions.

This accession, which will become effective on 10 November 1972, brings the number of States Parties to those Conventions up to 133.

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# What is the role of an ICRC doctor-delegate ?

One of the duties assigned to the International Committee of the Red Cross by the 1949 Geneva Conventions is to provide medical care, whether in an emergency, in the context of a relief operation or in the course of routine visits to places of detention. In an emergency, the ICRC calls upon Swiss doctors who have a private practice or who work in a hospital, and upon National Red Cross Societies which supply doctors or complete teams.

The doctor may be accompanied by an assistant or a team comprising an anaesthetist, an operating theatre sister, nurses, administrators, etc. These missions are usually brief, perhaps about a month. The teams sent out by National Societies are, in principle, self-sufficient. From the surgeon to the auxiliary nurse, the teams are complete and take with them all that they need in the way of equipment, medicaments, an electric generator, and several weeks' food supplies. They use the existing hospital infrastructure of the country affected by war or, if that can no longer be used, the field hospitals which they bring with them. Once the various tasks are assigned, they may form separate mobile units and proceed to the less accessible areas, where they provide medical treatment for the population.

For such missions, the ICRC needs first of all doctors who have specialized in general surgery or in war surgery, general practitioners, anaesthetists and operating theatre nurses. Again, when the wounded need some specific treatment, it sends out such specialists as orthopaedists and oculists, as well as pharmacists who are responsible for ensuring that stocks of medicaments are available, sometimes in very large quantities.

Although less spectacular, the task of the doctor-delegate who visits places of detention is just as interesting. In this familiar ICRC activity, the doctor accompanies an ICRC delegate on his round of visits. On such missions, a doctor's services may be needed over a period ranging from ten days to several months.

While the delegate enquires about detention conditions, the doctor studies questions connected with hygiene and health. He inspects dormitories and sanitary facilities, visits cookhouses and samples the food. He ascertains whether vegetables are fresh and the water clean. The doctor-delegate also has some strictly medical duties. He enquires into the organization of medical care. Who is the camp's medical officer? What training has he had? How much time does he give prisoners who consult him? Do guards also receive treatment? Is an oculist available? And how about a dentist?

Then there is a visit to the installations: the infirmary, the laboratory, the dispensary. The doctor-delegate must see that everything is properly run and that conditions of hygiene are observed (for instance, the sterilising of instruments). He must ascertain that the nursing staff are conscientious. Lastly, he must see whether detainees who are seriously ill are evacuated to a hospital, and under what conditions. Are they taken by road or by air? And does the hospital agree to tend forthwith a patient who is a prisoner?

Then there are the contacts with detainees. The doctor-delegate assesses the general state of health and checks the treatment prescribed by the medical officer. He also has to study files in cases of death, enquire into the cause of death, and ascertain that the burial was carried out properly and with dignity. The doctor-delegate then interviews the local doctor and the authorities in the place of detention.

The report drawn up by the ICRC delegate and doctor-delegate is sent to the governments concerned, before a new round of visits is made to other places of detention.

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## AT THE INTERNATIONAL RED CROSS MUSEUM

At Castiglione, on 25 June, an exhibition by the ICRC was inaugurated at the International Red Cross Museum, attended by representatives of the Verona, Mantua and Milan sections of the Italian Red Cross, the Mayor of Castiglione, the Museum Director, a representative of the Henry-Dunant Institute and various people from neighbouring towns.

The ICRC had delegated Mr. C. Pilloud, who delivered an address on the importance of the Geneva Conventions, the inspiration for the exhibition, which will be open until the end of September 1972.

Documents exhibited relate to the Battle of Solferino, the first Geneva Convention, the progression of humanitarian law, the Central Tracing Agency and the relief activities of the ICRC. There are also posters and panels illustrating various phases of the work of the Red Cross. We recommend a visit, especially as it was in the nearby Chiesa Maggiore that Dunant tended the wounded and conceived the idea of relief to war victims without distinction.

## MEETING OF RED CROSS VOLUNTARY WORKERS

From 9 to 14 April 1972, Singapore was the venue for the International Friendship and Training Camp for Red Cross Volunteers from Indonesia, Malaysia, Thailand and Singapore. Nearly sixty people participated, and the ICRC was represented by Mr. B. Daniel, delegate, who delivered an address on the International Red Cross, the ICRC's current activities, and the Geneva Conventions.

The work programme enabled everyone to forge many personal contacts and each National Society to describe first its organization and activities, and secondly the practical work carried out by its voluntary members. For example:

*Indonesia* gave an account of volunteer training in Djakarta and the provinces;

*Malaysia*, the operations undertaken by its voluntary workers in the fields of first-aid and disaster relief, particularly during floods;

*Thailand*, the essentially social work of its volunteers; and

*Singapore*, the work of its Voluntary Aid Detachment in first aid and relief, particularly in the event of fire.

In addition, the National Societies presented reports on the moral significance of voluntary work and the importance of the voluntary worker's practical contribution to the accomplishment of the Red Cross ideal. That contribution is essential, and the Indonesian Red Cross submitted a study entitled " The Volunteer, a Great Potential " concluding with the sentence: " It is for the Red Cross to understand that without the *combat force* of volunteers, the Red Cross will never win *war* against disaster ".

# MISCELLANEOUS

## CARITAS INTERNATIONALIS GENERAL ASSEMBLY

In Rome, last May, the ninth General Assembly of Caritas Internationalis was attended by over 200 delegates. The international Red Cross institutions were represented by Mr. R. Courvoisier, Special Assistant to the President of the ICRC, and Mr. H. Beer, Secretary-General of the League of Red Cross Societies.

Mr. Courvoisier and Mr. Beer handed the Chairman a joint message to the Assembly which concluded with the following words:

*. . . The strength of the Red Cross resides first and foremost in the ideal which is its inspiration, and in the faith which motivates those who serve it. Whether they act in a spirit of charity or of justice, they are the responsible apostles of that ideal.*

*This ninth General Assembly gives the whole Red Cross movement the welcome opportunity to convey to Caritas Internationalis and its affiliated organizations its gratitude for the fine relationship between the two and for the support and understanding which Caritas has always displayed for the Red Cross.*

The General Assembly was presided over by Mgr Jean Rodhain, and the theme, on which many papers were submitted, was " *Pour une charité libératrice* ".

* * *

Mr. Courvoisier made contact with a number of senior officials of Caritas and other charitable institutions. He also took advantage of his presence in Rome to go to the FAO, where he had several interviews, and to the Italian Red Cross and the Vatican.

## WORLD HEALTH ASSEMBLY

The twenty-fifth Annual Assembly of the World Health Organization in Geneva last May was attended by delegates from 129 Member States, and representatives of the United Nations and many international organizations, including the ICRC, which was represented by Mr. A.-D. Micheli and Dr. R. Marti.

Some of the practical agenda items were: smallpox eradication; anti-malaria campaign; blindness prevention; the necessity of ensuring quality, safety and effectiveness of medicaments and of assisting governments to discharge their responsibilities in this field; and medicine in industry. Particularly worthy of note was the question of pollution and its effects on health. Stress was laid on the responsibility of the WHO in all international aspects of health problems arising from pollution, and on the need for the WHO and its Member States to have permanent appropriate means for the protection of human health against pollution.

Concerning the institution's twenty-fifth anniversary next year, Dr. Layton, presiding over the Assembly, said:

*The anniversary year should also serve to intensify our efforts in informing the public at large about existing health problems, new health hazards and the old but often forgotten truism that disease knows no boundaries. Today, more than ever before, the struggle for better health requires the understanding and support of all—the rich and the poor, the young and the old. To use the words of Sir George Godber in his memorable address of two days ago, " the further we go the more we find to be done ".*

# SOME ASPECTS OF REHABILITATION IN AUSTRALIA

*The Twelfth Rehabilitation Congress is to be held in Sydney in August and September 1972, and the International Society for Rehabilitation of the Disabled has dedicated an issue of its Review to Australia's activities in this field.*[1] *Before giving some extracts from an article which deals with the more striking aspects of the development of the rehabilitation services, we should recall that from the very outset mutual aid in Australia was the basis of the services provided for the sick, the poor and the handicapped. The tradition of community service was maintained, and voluntary organizations are now playing a vital humanitarian role. We need only mention the splendid work which the Australian Red Cross is doing in a number of important social sectors, such as Units for the Aged, Health in the Home, the Library Services, the Picture Library and the National Talking Book Library.*

## Special Education Facilities

In Australia, about 78 % of all children are in government schools controlled by State Education Departments. The remaining 22 % are in private or denominational schools. In practice, State Education authorities are beginning to accept responsibility for the education of the handicapped. Generally, the policy is being adopted and progressively put into practice of making necessary educational provision for the handicapped in a normal school setting among non-handicapped children, usually in small groups or a special class. Special schools continue to be provided in the larger centres of population for children with severe disabilities. But at the same time state authorities are accepting and subsidizing the educational work of voluntary organizations, as in the fields of education of the visually handicapped, hearing

[1] *International Rehabilitation Review*, New York, Vol. XXII, Nos. 3 and 4.

impaired, the physically handicapped (including the cerebral palsied) and the mentally handicapped. The traditional practice of setting up special schools for the severely handicapped who cannot be really integrated into a normal school still continues, but as the policy of integration is being increasingly practised, the proportion of children placed in special schools is decreasing. Within the special schools, attention is being given to the preparation of handicapped children for transfer to a normal school setting at an early age, as this is considered advisable and warranted by the special resources of the normal school provided by the specially trained teachers either full-time on the staff or visiting teachers. The most outstanding over-all development in special education provision over the past decade has been in the field of the mentally handicapped. The states are making good provision for the mildly and moderately mentally handicapped, but voluntary organizations, with some state help, still bear the responsibility for the education of the severely mentally handicapped and their preparation for social adequacy.

Growing attention is being given to meeting the need for adequate professional preparation of staff in the special education field—teachers, psychologists, vocational counsellors. Courses in at least some teachers' colleges are being broadened so that all students become concerned with the education of the handicapped, and a growing number of teachers are undertaking postgraduate studies in special education. At the higher levels of professional teaching and in research, there is more concern with the total care of the child without reference to diagnostic labels recognizing that the handicapped child frequently has multiple disabilities—not the least of which are the social conditions under which he has to live and learn and work. Good team-work practised in many centres is creating more concern with educational and social pediatrics, and with the social and vocational preparation of the handicapped for life and work, whether in sheltered or open employment. Some development has occurred, too, in the parent counselling program for the handicapped child before school age is reached.

Pre-schools have broadened their outlook and more readily accept children with disabilities, recognizing the therapeutic

value of early social integration with children not hampered in speech or motor skills. Vocational guidance and assessment begins at primary school level. Children attending special schools for the handicapped, classes for the handicapped integrated with ordinary classes, and those who find a place in the normal school receive the benefit of this program throughout their school years. In addition, at school leaving age they have the opportunity to take vocational guidance tests in the government vocational bureau and there receive advice and help in the selection of careers.

**Sheltered workshops**

For many handicapped people a more practical form of assessment is found in the sheltered workshops. Workshops fill a threefold purpose in Australia. They provide—

1. opportunity to assess attitudes and ability and to assist in social adjustment
2. training in skilled work, in semi-skilled work and process work, and
3. permanent employment for those whose disabilities prevent their entering into competitive employment; such sheltered employment is sometimes at award rates or more. Sometimes slow workers are able to achieve the satisfaction of full-time employment while continuing to receive social service benefits.

Some 10,000 handicapped people are working in sheltered workshops. With the exception of some workshops for patients in institutions, all sheltered workshops throughout Australia have been established by non-profit organizations such as voluntary or religious bodies. Many workshops are for one type of disability (blind, cerebral palsied, mentally retarded), but the majority are multi-diagnostic; the trend to the multi-diagnostic workshop is particularly apparent in the country areas.

Commonwealth Government subsidies for sheltered workshops first became available in 1967. The subsidies on land, buildings, plant and equipment, gave great impetus to the shel-

tered workshop movement, and 124 workshops throughout the nation have been able to meet the criteria required by the government to become eligible for capital subsidies and more recently to receive subsidies for the payment of salaries and wages of staff whose duties relate specifically to the training of handicapped employees or those required to give personal service or additional supervision. Such staff are considered only if they are additional to what would be required in open industry. Many workshops cannot meet the requirements of the government in regard to wages paid because of the severity of handicap of the workers. The Commonwealth Rehabilitation Scheme of the Australian Government, administered by the Department of Social Services, offers pre-vocational training and medical rehabilitation, and provision is often made for on-the-job training in commerce or industry. The training period is limited to three years and all patients are expected to be able to complete training and to undertake full-time employment at the end of that period or even earlier. The Commonwealth Government has recently legislated to give subsidies to voluntary organizations who provide training programs for young people, and such training programs must commence before the age of twenty-one.

Australia has a high rate of employment. Unemployment at present is less than 1% of the work force. This situation has allowed workshops to experiment in the employment of people with greater depths of disability than may have been possible in a less affluent society. Considerable adaptation of standard machinery and the break-up of work into simple procedures has provided opportunities for training and light employment for many severely handicapped people. Attitudes towards handicapped workers are reasonably good and employers accept handicapped workers who are qualified for jobs. Handicapped people themselves find it difficult to convince employers of their capabilities, and the Commonwealth Department of Labour and National Service through the Commonwealth Employment Service gives assistance in all district employment offices, and training courses are provided for staff involved. Voluntary agencies, as far as possible, use the services of the Commonwealth Employment Service, but assistance is given by them, particularly to those with severe

handicaps, where some supporting assistance must be given, to ensure that transport, environment and communication are conducive to a situation satisfactory to both employer and employee.

Efforts were made earlier to stimulate the employment of the handicapped through " Employ the Handicapped " weeks, and more recently through a campaign directed specifically at major employers to encourage the adoption of policies to employ handicapped people with qualifications for jobs offered, giving equal opportunity to the handicapped and able-bodied applicants. A quota system for the employment of the handicapped does not operate and is not favoured in Australia.

Services to physically handicapped children are well developed and have been largely the responsibility of crippled children's societies since the 1920's. These are voluntary bodies operating at state level and which provide a wide range of services. For fund-raising purposes they retain the reference to children in their title but most, now, have extended their services to include adult handicapped. Generally the services are concentrated in cities, children being brought in for long-term treatment and schooling. A network of country clinics helps to locate needy children, to provide parent counselling, supervision of treatment and appliances, maintain the children in their homes, and follow up after discharge from hospital.

Cerebral palsied children and those suffering the effects of spina bifida, epilepsy and muscular dystrophy are usually included in these services. Spastic societies, one in each capital city, provide a high standard of service to cerebral palsied children and adults, providing medical and welfare services from a very early age and continuing an intensive program into adulthood. The services are state-wide with special provision for rural children, and workshops are a feature of their work.

## THE POLLUTION PROBLEM

*The Red Cross may be regarded as being committed to the protection and improvement of the environment, as indicated in the League publication* Panorama [1], *which illustrated this fact by reporting that the Bulgarian Red Cross was among non-governmental organizations appointed to an inter-ministerial commission on environment recently set up by the Bulgarian Government in a series of anti-pollution measures.*

*In more general terms, there is a need for international legislation, and Dr. J. de Moerloose, Chief of the WHO Health Legislation Unit, recalls the successive efforts made by legislators in a paper from which we quote a few extracts* [2]*:*

...In recent years, the number of legislative measures against air, water and soil pollution has grown enormously, and the following cannot pretend to be anything but the merest outline.

In a first period, up to the end of the nineteenth century, measures applied only to cities and took the form of very general sanitary provisions covering, for example, the production of thick smoke, the raising of livestock in towns, the location of certain trades harmful to the environment, etc.

The second period was that of the industrial revolution in England, France, Germany and some neighbouring countries in the nineteenth century. Blast furnaces, chemical industries and the steam engine were all sources of pollution and were often situated in the heart of a city or just outside it, without the least regard for the consequences to human health. It should be remembered that in those days no such thing as a ministry of health existed, and

[1] Geneva, 1971, No. 4.

[2] *World Health*, WHO, Geneva, 1971.

there was complete ignorance about the effects on health of certain industrial effluvia.

The third period, that of the twentieth century, is marked by the great development of industry in many countries and the fact that even agricultural nations are seeking to become industrialized.

In the matter of legislation, this third period may be divided into three stages. During the first stage, the legislative texts reflect the notion that, to be effective against air pollution, measures should be taken on three fronts: industrial pollution, pollution by fuel-burning power stations and domestic heating, and, more recently, pollution by motor vehicles. In the second stage, additional attention was focused on the need to combat the pollution of water, and in some countries measures were even taken against noise and vibrations. At the same time, the need for comprehensive rather than piecemeal legislation became apparent. The division of responsibilities among a number of independent or autonomous authorities tends to prevent any general solution of the problem. It will not do to pass legislation dealing solely with air pollution, especially as the same sources may pollute both air and water. During this second stage, the legislatures in a number of countries have set up a central body responsible for anti-pollution measures or at least for their co-ordination. Such authorities are almost always attached to the ministry of health, since their main purpose is, after all, to protect human health.

The third stage, the one we are now living in, is marked by the conviction of health authorities that the legislation of different countries must be harmonized. Air and water pollution know no frontiers. In Sweden, for instance, atmospheric pollution coming from the big industrial countries to the south has acidified the rain, with the result that the aquatic fauna in the Swedish lakes has been in part modified or even destroyed.

One of the difficulties that countries meet in formulating anti-pollution laws is to know what standard methods to apply in analysing and measuring pollution, what are acceptable norms of air purity, and the related question of where to fix the permissible limits of pollution. It is here the World Health Organization and other specialized international organizations can play a leading role.

Some uniformity in legislation is indispensable, if only to prevent " polluter " countries with lower production costs from obtaining an unfair advantage in international competition and the struggle for markets.

The accusation is often made that legislative measures are ineffective. In reply it may be said that, since the passing of the Clean Air Act in 1956, the number of sunny days in London has increased and the concentration of smoke has decreased by 80 per cent. During Pure Air Week in Paris in 1969, it was found that the emission of smoke could be stopped by organizing a check-up on 10,000 heating units. It should also be pointed out that a business concern can reduce the emission of hydrocarbons and eliminate smoke, often at very low cost.

At the present time, most countries are taking steps to fight pollution. New laws have recently been put into effect even in places such as Malta and Hong Kong, in geographical situations where one might expect the problem not to exist. Anti-pollution measures are being developed so rapidly at the present time that a first survey of existing legislation, published by WHO in 1963 and entitled *Air Pollution*, is completely out of date today.

# BOOKS AND REVIEWS

## KEMAL ÖZERDEN: " LE SORT DES MILITAIRES BELLIGÉRANTS, VICTIMES DE LA GUERRE, DÉBARQUÉS DANS UN PORT NEUTRE, D'APRÈS LA CONVENTION DE GENÈVE " [1]

This is the title of an extremely interesting thesis for which its author was awarded the degree of Doctor of Laws of the University of Neuchâtel. It deserves the attention of all who follow the development of international humanitarian law. In addition, the application of the Second Geneva Convention poses some difficult problems. This is what Mr. J. Pictet, Vice-President of the ICRC, points out in his foreword to the book, the main passages of which we quote hereunder:

*The idea of limiting the evils of war and protecting man against oppression is nothing new. It goes back, indeed, to the beginning of time. The sum total of the efforts to which it has given rise keeps pace with the ascending curve of civilization, to which it is indissolubly bound. Like civilization, it has known periods of sudden acceleration, of stagnation, and of set-backs marking out the long course of history with white or black milestones.*

*Progress was particularly slow on the high seas, where customs were harsh and the conditions of fighting difficult. Yet, as we all know, the sea covers three-quarters of the surface of the globe and on its mastery world supremacy has often depended in the course of history. Consequently, in that inhospitable environment, where relief was confronted with so many obstacles, victims were in greater need and danger than on land, and their plight prompted special concern. How many tragedies have been witnessed only by the denizens of the deep and of the skies.*

*There have been several versions of the Second Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Ship-*

[1] Editions A. Pedone, Paris, 1972, 237 pp.

*wrecked Members of Armed Forces at Sea, of August 12, 1949. Concluded—but not ratified—in 1868, in the form of additional articles to the 1864 Geneva Convention—the parent Convention of the Red Cross and of all international humanitarian law—it became the Hague Convention III of 1899, for Adaptation to Maritime Warfare of the Principles of the Geneva Convention and later, after revision, Convention X of 1907. Today it is again one of the Geneva Conventions to which it has always been akin, since it is designed to grant direct protection to victims of hostilities.*

*But the « maritime » Convention, as we call it, has remained the « poor relation » of the humanitarian Conventions; in any case the least known. It has prompted little comment and even the reports of the diplomatic conferences which prepared, drafted and developed it, are laconic to the point of being hardly more than a passing mention. Seafarers are notoriously taciturn.*

*It is therefore with particular satisfaction that we greet a sound and detailed book on that Convention, the more so as it is not limited to dealing with only its chosen subjects, that is to say " the condition of military belligerence; victims of war, having landed in a neutral port " : its first part, of a general scope, contains* inter alia *some useful definitions and gives an interesting insight into the problem of internment and even the law of neutrality. This book will therefore be, as the Americans say, a " must " for all who work in Ministries and Universities and are interested in the humanitarian law of the sea.*

*When editing the Commentary on the " maritime " Convention in 1959, after having taken part from 1937 onwards in the commissions and conferences which elaborated that Convention in its present-day form, I was struck by the fact that, not only in 1949 but ever since then, a problem so important as the plight of the wounded and sick disembarking in a neutral country had been left in an aura of uncertainty: this is a typical example of the " head in the sand " policy, which alas is all too familiar in the world today...*

*... The fundamental researches of which this book is the fruit make it a mine of valuable information. Mr. Özerden undertook an onerous task, and he has accomplished it with admirable perseverance, keen perception and professional zeal.*

*When preparing the revision of the " maritime " Convention and the relevant Commentary, I felt it would be useless to seek a single key*

*to the uniform solution of problems affecting military belligerents who disembark in a neutral country but that the goal was a manifold solution, taking into account such considerations as the nationality of the people concerned or the type of vessel. Mr. Özerden's research is along similar lines, since he advocates an even more diversified solution, taking other considerations into account, such as the conditions of the operation and the place where the victims are rescued. His solution, the result of thorough study, is by no means simple, but it seems logical and theoretically satisfactory.*

*I am convinced that Mr. Özerden's momentous work will prove extremely useful when it is possible to revise thoroughly the "maritime" Convention or the law of neutrality, and it is to be hoped that the Powers will then elaborate that international law to which, in 1949, they merely referred, but which is so difficult to bring about. Until such time as a complete reform is feasible, this book will be of signal service in government Ministries for the interpretation of prevailing law. I therefore wish it every success.*

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**Caring for the Mentally Handicapped,** The Role of the Nurse, by P. J. Rogers, RNMS, *Nursing Times*, London, 1971, No. 9.

...Our wards and units must become, in effect, experimental workshops where the nurse can, with the help of other disciplines, develop new techniques and fresh approaches to the training of the mentally handicapped.

We must develop purpose-built play equipment and vocational training aids. Our attitudes and techniques must be constantly examined and altered where inappropriate or inefficient. We must explore new patterns in training as well as keep an ever-watchful eye on technological development. Each nurse must be awarded the right to specialize in a particular area. The day of the over-all expert has passed and we are now in the era of the specialist. Postgraduate training and visiting scholarships must be provided.

Recently there has been a call for running down the nursing service and development of a new discipline of social therapy. This would interact with other disciplines in the training of the mentally handicapped, and through extra-curricular activities social and recreational training would be provided.

We already have, within the discipline of nursing, the best possible social therapists, and all we need is to open the doors, knock down some ancient barriers and allow the nurse to perform her real function which, in my opinion, is primarily the education, training and recreation of the mentally handicapped.

**The Major Role of Nurses in the Development of Health Services,** by John Munro, *The Canadian Nurse,* 1972, No. 1.

There are many other aspects of modern health that concern nurses—the restructuring of our health facilities, the demand for community services, pollution, and so on. Together with the topics I have mentioned, these constitute a challenge to the traditional concepts of medicine.

We must be aware of what is happening within the health care fields as a result of changing attitudes and new developments. As health services undergo what amounts to a revolution in method, if not in purpose, the demands and rewards of a life in nursing will undergo their own revolution. You, the nurses of Canada, are a vital part of that revolution.

**Medical Research " Measured against the needs of all ",** by Thomas H. Weller, *WHO Chronicle,* World Health Organization, Geneva, 1971, No. 2.

...We must respond to the search by youth for relevance in the health field. A large pool of highly motivated young physicians primarily interested in community health needs is developing. During their medical education they will have limited access to information regarding opportunities for postgraduate training, service, or research in public health. We should develop improved means to channel this information to those who seek it. Then, if we are to continue to enjoy the support of well-trained, idealistic young colleagues, an ongoing reassessment of our own research priorities is imperative. They will be watching to determine whether " every apparent medical success " is indeed " measured against the needs of all ".

# EXTRACT FROM THE STATUTES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

(AGREED AND AMENDED ON 25 SEPTEMBER 1952)

ART. 1. — The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

It shall be a constituent part of the International Red Cross.[1]

ART. 2. — As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be " Inter arma caritas ".

ART. 4. — The special role of the ICRC shall be:

*(a)* to maintain the fundamental and permanent principles of the Red Cross, namely: impartiality, action independent of any racial, political, religious or economic considerations, the universality of the Red Cross and the equality of the National Red Cross Societies;

*(b)* to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;

[1] The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term " National Red Cross Societies " includes the Red Crescent Societies and the Red Lion and Sun Society.

*(c)* to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;

*(d)* to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve, in humanitarian matters, as an intermediary between the parties;

*(e)* to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities;

*(f)* to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension;

*(g)* to accept the mandates entrusted to it by the International Conferences of the Red Cross.

The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ART. 6 (first paragraph). — The ICRC shall co-opt its members from among Swiss citizens. The number of members may not exceed twenty-five.


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AFGHANISTAN — Afghan Red Crescent, Puli Artan, *Kabul.*

ALBANIA — Albanian Red Cross, 35, Rruga e Barrikadavet, *Tirana.*

ALGERIA — Central Committee of the Algerian Red Crescent Society, 15 bis, Boulevard Mohamed V, *Algiers.*

ARGENTINA — Argentine Red Cross, H. Yrigoyen 2068, *Buenos Aires.*

AUSTRALIA — Australian Red Cross, 122-128 Flinders Street, *Melbourne, C. 1.*

AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, *Vienna IV.*

BELGIUM — Belgian Red Cross, 98 Chaussée de Vleurgat, *Brussels 5.*

BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515 (Casilla 741), *La Paz.*

BOTSWANA — Botswana Red Cross Society, Independence Avenue, P.O. Box 485, *Gaberones.*

BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha 10-12, *Rio de Janeiro.*

BULGARIA — Bulgarian Red Cross, 1, Boul. S. S. Biruzov, *Sofia.*

BURMA — Burma Red Cross, 42 Strand Road, Red Cross Building, *Rangoon.*

BURUNDI — Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, *Bujumbura.*

CAMEROON — Central Committee of the Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé.*

CANADA — Canadian Red Cross, 95 Wellesley Street, East, *Toronto 284 (Ontario).*

CEYLON — Ceylon Red Cross, 106 Dharmapala Mawatha, *Colombo VII.*

CHILE — Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., *Santiago de Chile.*

CHINA — Red Cross Society of China, 22 Kanmien Hutung, *Peking, E.*

COLOMBIA — Colombian Red Cross, Carrera 7a, 34-65, Apartado nacional 1110, *Bogotá D.E.*

COSTA RICA — Costa Rican Red Cross, Calle 5a, Apartado 1025, *San José.*

CUBA — Cuban Red Cross, Calle 23 201 esq. N. Vedado, *Havana.*

CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, *Prague I.*

DAHOMEY — Red Cross Society of Dahomey, P.O. Box 1, *Porto Novo.*

DENMARK — Danish Red Cross, Ny Vestergade 17, DK-1471 *Copenhagen K.*

DOMINICAN REPUBLIC — Dominican Red Cross, Calle Juan Enrique Dunant, Ensanche Miraflores, Apartado Postal 1293, *Santo Domingo.*

ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia 118, *Quito.*

EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 34 rue Ramses, *Cairo.*

EL SALVADOR — El Salvador Red Cross, 3a Avenida Norte y 3a Calle Poniente 21, *San Salvador.*

ETHIOPIA — Ethiopian Red Cross, Red Cross Road No. 1, P.O. Box 195, *Addis Ababa.*

FINLAND — Finnish Red Cross, Tehtaankatu 1 A, Box 14168, *Helsinki 14.*

FRANCE — French Red Cross, 17 rue Quentin Bauchart, F-75008 *Paris.*

GERMANY (Dem. Republic) — German Red Cross in the German Democratic Republic, Kaitzerstrasse 2, Dx 801 *Dresden 1.*

GERMANY (Federal Republic) — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, *Bonn 1,* Postfach (D.B.R.).

GHANA — Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra.*

GREAT BRITAIN — British Red Cross, 9 Grosvenor Crescent, *London, S.W.1 X 7EJ.*

GREECE — Hellenic Red Cross, rue Lycavittou 1, *Athens 135.*

GUATEMALA — Guatemalan Red Cross, 3ª Calle 8-40, Zona 1, *Ciudad Guatemala.*

GUYANA — Guyana Red Cross, P.O. Box 351, Eve Leary, *Georgetown.*

HAITI — Haiti Red Cross, Place des Nations Unies, B.P. 1337, *Port-au-Prince.*

HONDURAS — Honduran Red Cross, Calle Henry Dunant 516, *Tegucigalpa.*

HUNGARY — Hungarian Red Cross, Arany Janos utca 31, *Budapest V.*

ICELAND — Icelandic Red Cross, Øldugøtu 4, Post Box 872, *Reykjavik.*

INDIA — Indian Red Cross, 1 Red Cross Road, *New Delhi 1.*

INDONESIA — Indonesian Red Cross, Djalan Abdulmuis 66, P.O. Box 2009, *Djakarta.*

IRAN — Iranian Red Lion and Sun Society, Avenue Ark, *Tehran.*

IRAQ — Iraqi Red Crescent, Al-Mansour, *Baghdad.*

IRELAND — Irish Red Cross, 16 Merrion Square, *Dublin 2.*

ITALY — Italian Red Cross, 12 via Toscana, *Rome.*

IVORY COAST — Ivory Coast Red Cross Society, B.P. 1244, *Abidjan.*

JAMAICA — Jamaica Red Cross Society, 76 Arnold Road, *Kingston 5.*

JAPAN — Japanese Red Cross, 1-1-5 Shiba Daimon, Minato-Ku, *Tokyo 105.*

JORDAN — Jordan National Red Crescent Society, P.O. Box 10 001, *Amman.*

KENYA — Kenya Red Cross Society, St Johns Gate, P.O. Box 40712, *Nairobi.*

KHMER REPUBLIC — Khmer Red Cross, 17 Vithei Croix-Rouge khmère, P.O.B. 94, *Phnom-Penh.*

KOREA (Democratic People's Republic) — Red Cross Society of the Democratic People's Republic of Korea, *Pyongyang.*

KOREA (Republic) — The Republic of Korea National Red Cross, 32-3 Ka Nam San-Donk, *Seoul.*

KUWAIT — Kuwait Red Crescent Society, P.O. Box 1359, *Kuwait.*

# ADDRESSES OF NATIONAL SOCIETIES

LAOS — Lao Red Cross, P.B. 650, *Vientiane.*

LEBANON — Lebanese Red Cross, rue Général Spears, *Beirut.*

LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru.*

LIBERIA — Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia.*

LIBYAN ARAB REPUBLIC — Libyan Red Crescent, Berka Omar Mukhtar Street, P.O. Box 541, *Benghazi.*

LIECHTENSTEIN — Liechtenstein Red Cross, FL-9490 *Vaduz.*

LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, C.P. 1806, *Luxembourg.*

MADAGASCAR — Red Cross Society of Madagascar, rue Clémenceau, P.O. Box 1168, *Tananarive.*

MALAWI — Malawi Red Cross, Hall Road, Box 247, *Blantyre.*

MALAYSIA — Malaysian Red Cross Society, 519 Jalan Belfield, *Kuala Lumpur.*

MALI — Mali Red Cross, B.P. 280, route de Koulikora, *Bamako.*

MEXICO — Mexican Red Cross, Avenida Ejército Nacional nº 1032, *México 10, D.F.*

MONACO — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo.*

MONGOLIA — Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, *Ulan Bator.*

MOROCCO — Moroccan Red Crescent, rue Benzakour, B.P. 189, *Rabat.*

NEPAL — Nepal Red Cross Society, Tripureshwar, P.B. 217, *Kathmandu.*

NETHERLANDS — Netherlands Red Cross, 27 Prinsessegracht, *The Hague.*

NEW ZEALAND — New Zealand Red Cross, Red Cross House, 14, Hill Street, *Wellington 1.* (P.O. Box 12-140, *Wellington North*).

NICARAGUA — Nicaraguan Red Cross, 12 Avenida Noroeste 305, *Managua, D.N.*

NIGER — Red Cross Society of Niger, B.P. 386, *Niamey.*

NIGERIA — Nigerian Red Cross Society, Eko Akete Close, off St. Gregory Rd., Onikan, P.O. Box 764, *Lagos.*

NORWAY — Norwegian Red Cross, Parkveien 33b, *Oslo.*

PAKISTAN — Pakistan Red Cross, Dr Dawood Pota Road, *Karachi 4.*

PANAMA — Panamanian Red Cross, Apartado 668, Zona 1, *Panamá.*

PARAGUAY — Paraguayan Red Cross, calle André Barbero y Artigas 33, *Asunción.*

PERU — Peruvian Red Cross, Jirón Chancay 881, *Lima.*

PHILIPPINES — Philippine National Red Cross, 860 United Nations Avenue, P.O.B. 280, *Manila D-406.*

POLAND — Polish Red Cross, Mokotowska 14, *Warsaw.*

PORTUGAL — Portuguese Red Cross, Jardim 9 de Abril, 1 a 5, *Lisbon 3.*

ROMANIA — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei 29, *Bucarest.*

SAN MARINO — San Marino Red Cross, Palais gouvernemental, *San Marino.*

SAUDI ARABIA — Saudi Arabian Red Crescent, *Riyadh.*

SENEGAL — Senegalese Red Cross Society, Bld. Franklin-Roosevelt, P.O.B. 299, *Dakar.*

SIERRA LEONE — Sierra Leone Red Cross Society, 6 Liverpool Street, P.O.B. 427, *Freetown.*

SOMALI REPUBLIC — Somali Red Crescent Society, P.O. Box 937, *Mogadishu.*

SOUTH AFRICA — South African Red Cross, Cor. Kruis & Market Streets, P.O.B. 8726, *Johannesburg.*

SPAIN — Spanish Red Cross, Eduardo Dato 16, *Madrid 10.*

SUDAN — Sudanese Red Crescent, P.O. Box 235, *Khartoum.*

SWEDEN — Swedish Red Cross, Artillerigatan 6, 10440, *Stockholm 14.*

SWITZERLAND — Swiss Red Cross, Taubenstrasse 8, B.P. 2699, *3001 Berne.*

SYRIA — Syrian Red Crescent, Bd Mahdi Ben Barake, *Damascus.*

TANZANIA — Tanganyika Red Cross Society, Upanga Road, P.O.B. 1133, *Dar es Salaam.*

THAILAND — Thai Red Cross Society, King Chulalongkorn Memorial Hospital, *Bangkok.*

TOGO — Togolese Red Cross Society, 51, rue Boko Soga, P.O. Box 655, *Lomé*

TRINIDAD AND TOBAGO — Trinidad and Tobago Red Cross Society, 105, Woodford Street, P.O. Box 357, *Port of Spain.*

TUNISIA — Tunisian Red Crescent, 19 rue d'Angleterre, *Tunis.*

TURKEY — Turkish Red Crescent, Yenisehir, *Ankara.*

UGANDA — Uganda Red Cross, Nabunya Road, P.O. Box 494, *Kampala.*

UPPER VOLTA — Upper Volta Red Cross, P.O.B. 340, *Ouagadougou.*

URUGUAY — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo.*

U.S.A. — American National Red Cross, 17th and D Streets, N.W., *Washington 6, D.C.*

U.S.S.R. — Alliance of Red Cross and Red Crescent Societies, Tcheremushki, J. Tcheremushkinskii proezd 5, *Moscow W-36.*

VENEZUELA — Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, *Caracas.*

VIET NAM (Democratic Republic) — Red Cross of the Democratic Republic of Viet Nam, 68 rue Bà-Trièu, *Hanoi.*

VIET NAM (Republic) — Red Cross of the Republic of Viet Nam, 201 duong Hông-Thâp-Tu, No. 201, *Saigon.*

YUGOSLAVIA — Red Cross of Yugoslavia, Simina ulica broj 19, *Belgrade.*

ZAIRE (Republic of) — Red Cross of the Republic of Zaire, 41 av. de la Justice, P.O. Box 1712, *Kinshasa.*

ZAMBIA — Zambia Red Cross, P.O. Box R.W.1, Ridgeway, *Lusaka.*

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